



**City of Milwaukee Common Council**

**Legislative File Number 060940 (version 1)**

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**Title**

Substitute resolution granting a special privilege to 2306 United, LLC to construct and maintain a handicap ramp with platform and an excess door swing for the premises at 2306 South Kinnickinnic Avenue, in the 14<sup>th</sup> Aldermanic District.

**Body**

Whereas, The applicant has recently purchased the property and is in the process of renovating the building to make it ADA accessible; and

Whereas, 2306 United, LLC is requesting permission to construct and maintain a barrier free access ramp and excess door swing in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 2306 United, LLC, 788 North Jefferson Street, Suite 800, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a barrier free access ramp projecting 5 feet into the south, 13-foot wide fully paved sidewalk area of East Lincoln Avenue. Said ramp and platform will commence at a point approximately 101 feet east of the easterly line of South Kinnickinnic Avenue and end 9 feet 3 inches to the east. Said ramp and platform will have 3-foot tall metal handrails and will have a maximum height of 4 inches.
2. To construct and maintain an excess door swing that, when fully opened, will project 3 feet into the public right-of-way over the platform of Item #1. Said door will project into the public way in excess of the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 2306 United, LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$3,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$87.98. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1<sup>st</sup> of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
- 7.

**Drafter**

Infrastructure Services Division  
MDL:lja  
February 23, 2007  
060940

**Analysis**

This resolution grants a special privilege to 2306 United, LLC to construct and maintain a barrier free access ramp with platform and an excess door swing for the premises at 2306 South Kinnickinnic Avenue.